

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Lim Or Sim et al.
Serial No. : 09/763,338 Examiner: To be Assigned
Filing Date : February 16, 2001 Group Art Unit: To be Assigned
Title : NETWORK RESOURCE MONITORING AND
MEASUREMENT SYSTEM AND METHOD

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO "NOTICE TO FILE MISSING REQUIREMENTS"

Sir:

We have received a Notice to File Missing Requirements dated May 8, 2001. We are returning herewith a copy of that Notice, accompanied by a Petition under 37 CFR 1.47(b) and a Certification under 37 CFR 3.73(b).

The Notice to File Missing Requirements indicates the requirement that an executed Declaration be filed. Submitted herewith is a Declaration signed by the undersigned on behalf of the applicant, RED SHERIFF, LIMITED.

The Commissioner is hereby authorized to charge \$260 to our Deposit Account No. 02-4270, to cover the Petition fee of \$130 and the surcharge fee of \$130 under 37 CFR 1.492(e) for filing the declaration after 30 months from the priority date. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to our Deposit Account No. 02-4270.


TIMELY FILING

The applicant received in error a Notice of Abandonment dated December 13, 2001 for failure to respond to the Notice to File Missing Requirements dated May 8, 2001. The applicant

asserts that the Notice of Abandonment is in error because the first page of the Notice indicates, in bold face type, that the required items must be submitted by 22 or 32 months (where 37 CFR 1.495 applies) from the priority date. The priority date is August 6, 1999, as also indicated on the Notice. 37 CFR 1.495 applies because PCT Chapter II was timely demanded and the U.S. was elected in the Demand. Therefore, the present filing is timely. A copy of the Demand and Notification of Receipt of the Demand are included herewith.

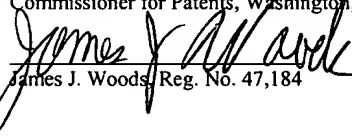
Dated: April 8, 2002

Respectfully submitted,



James J. Woods, Reg. No. 47,184
BROWN RAYSMAN MILLSTEIN FELDER
& STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000

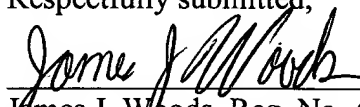
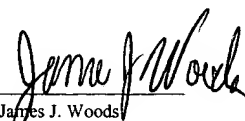
I hereby certify that this paper is being deposited this date with the
U.S. Postal Service as First Class Mail addressed to:
Commissioner for Patents, Washington, D.C. 20231



James J. Woods, Reg. No. 47,184

4/8/02
Date

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TRANSMITTAL LETTER		Atty Docket No.: 4670/1		09763338	
Commissioner for Patents Washington, D.C. 20231					
Re: Inventors :		Sim et al.		06/18/2004 BCAMPBEL 00000002 024270 01 FC:2617 65.00 DA	
Serial No. :		09/763,338			
Filed :		February 16, 2001			
Title :		NETWORK RESOURCE MONITORING AND MEASUREMENT SYSTEM AND METHOD			
Kindly file the annexed papers indicated below:					
<input checked="" type="checkbox"/> Response to Notice to File Missing Requirements dated May 8, 2001, <i>+copy of Notice</i> <input checked="" type="checkbox"/> Petition Under 37 C.F.R. 1.47(b) in Support of Filing on Behalf of Non-signing Inventors <input checked="" type="checkbox"/> Certification Under 37 C.F.R. 3.73(b) <input checked="" type="checkbox"/> Declaration (executed by attorney on behalf of the Applicant) <input checked="" type="checkbox"/> Copies of PCT Chapter II Demand, Notification of Receipt of Demand, and Assignment.					
The Commissioner is hereby authorized to charge the fee of \$260.00 to the undersigned attorney's Deposit Account No. 02-4270, to cover the Petition fee of \$130 and the surcharge fee of \$130 under 37 CFR 1.492(e) for filing the declaration after 30 months from the priority date.					
The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to the undersigned attorney's Deposit Account No. 02-4270.					
Dated: April 8, 2002		Respectfully submitted,  James J. Woods, Reg. No. 47,184 BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP Attorney for Applicants 900 Third Avenue New York, New York 10022 (212) 895-2000			
I hereby certify that this paper is being deposited this date with the U.S. Postal Service as First Class Mail addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231					
 James J. Woods		April 8, 2002 Date			